



CITY OF SUNNYVALE REPORT Administrative Hearing

March 30, 2005

SUBJECT: **2005-0130:** Application on a 6,500 square-foot site located at **583 Carroll Street** (near Old San Francisco Rd) in an R-0 (Low-Density Residential) Zoning District;

Motion Use Permit and multiple Variances on a 6,500 square foot site from Sunnyvale Municipal Code sections 19.34.030, 19.48.050, 19.40.060, to allow 0-foot side and rear yard setbacks, greater than 25% encroachment of the rear yard area, and over 800 square feet of accessory utility buildings.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

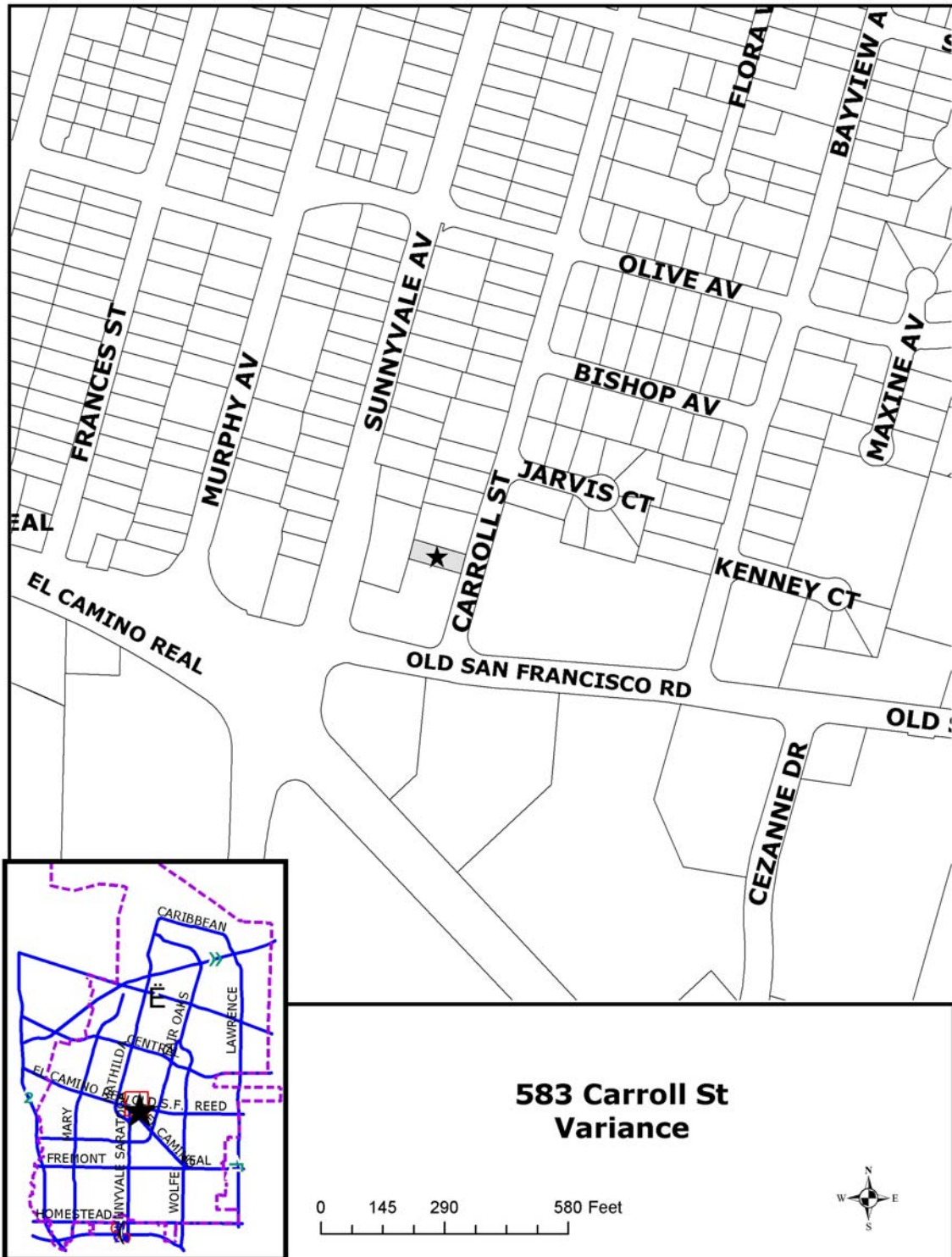
Surrounding Land Uses

North	Single Family Home
South	Medical Office Building
East	Medical Office Building Across Carroll Street
West	Medical Office Building

Issues Setbacks

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve the Use Permit and side yard setback Variance with conditions, deny the 25% encroachment and rear yard setback Variance.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Denisty
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	6,495	Same	6,000 min.
Gross Floor Area (s.f.)	2,041	2,376	No max.
Lot Coverage (%)	31%	37%	45% max.
Floor Area Ratio (FAR)	31%	37%	45% max. without PC review
No. of Buildings On-Site	3	3	---
Distance Between shed and garage	6'	6' to porch of proposed shed	5' min.
Shed Height (ft.)	10' (to be removed)	12'6"	15' max.
No. of Stories	1	1	1 max.
Setbacks (First/Second Facing Property)			
• Front	24' 6"	24' 6"	20 min.
• Left Side	4'	0'	4' min. (12' total)
• Right Side	14' to home 1'6 to garage	Same	4' min. (12' total)
• Rear	5'	0'	20 min. (10 ft permitted with < 25% encroachment / 20' min.
Landscaping (sq. ft.)			
• Total Landscaping	2,066	1,826	1,299 min.
Parking			
• Total Spaces	4	Same	4 min.
• Covered Spaces	2	Same	2 min.

Starred items indicate requested Variances from Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is for a new accessory building to be located at the southwest corner of a single family property. An existing shed would be removed and the new building would be located without setbacks from the side and rear property lines. The new shed would be utilized as a "Garden Room" and would contain a bathroom. A Use Permit is required if the total building area of all accessory utility buildings exceeds 450 square feet. The Variance application is necessary because all buildings exceed 800 square feet total and encroachment into the required side and rear yard setbacks. Additionally, the shed would exceed the 25% encroachment of the rear yard within 20 feet of the rear property line.

Background

Previous Actions on the Site: There are no previous planning items related to the site.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include setback variances.

Use Permit & Variance

Site Layout: The site is comprised of a single family home on a mid-block lot near the corner of Old San Francisco Road and Carroll Street. The current home is positioned 24 feet away from the front property line. Covered parking for the site is maintained through a legal non-conforming garage located towards the rear. The 1'6" setback does not meet current R-0 requirements for side yards. The site also contains a 200 square foot shed that will be removed as a part of this proposal. The applicant proposes a new 375 square foot (plus additional 160 s.f. of porch area) shed at the southwest corner of the property. The shed would be positioned along each property line with no setbacks. An existing building on the commercial property south of the site is built at the property line.

Architecture: The proposed architecture of the new shed would match the existing home on the site. The shed would utilize stucco material and a composition roof material.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Design Techniques Architecture	Comments
<i>3.10 A. Detached garages and other accessory structures should incorporate roof pitches and overhangs that main house.</i>	The design of the shed blends in with the garage and main structure on the property in terms of design and similar materials

Landscaping: The project site meets landscaping standards for properties located in the R-0 Zoning District. The site contains one significant, or protected tree (greater than 38" in circumference) located within the middle of the rear yard of the site. The proposal would accommodate the preservation of the tree through the layout of the proposed structure.

Parking/Circulation: As stated in the "Site Layout section" of the report, the site maintains covered parking for two vehicles at the rear of the site. A driveway along the north property line extends towards the garage structure. No modifications to this building are proposed at this time.

Compliance with Development Standards/Guidelines: The site meets most standards for the R-0 Zoning District including lot coverage and setbacks for the main structure. The garage is considered legal non-conforming as the required minimum side yard setback is not met. The proposal requests a Variance from side and rear yard setbacks for a new accessory structure. A Use Permit is required for a site if a total of accessory building exceed 450 square feet. Staff supports the additional area needed for an accessory building due to the detached garage that already exists on site. The new structure will allow additional storage area that may not be accommodated within the existing garage.

The subject site is considered substandard in terms of lot width for the R-0 Zoning District (50' where 57' is required). Many of the adjacent properties meet this requirement with a few exceptions including this site. An existing significant (greater than 38" in circumference) palm tree is located within the center of the rear yard. Unique to other sites in the neighborhood, the site lies adjacent on two sides to commercially Zoned properties. Staff finds that the side yard setback Variance is warranted given the circumstances of the property. However; staff is unable to make the justification for the rear yard setback and 25% allowable encroachment of this area. An alternative location exists for the structure by relocating the proposed shed closer to the main structure. Redesign of the site porch of the accessory structure would have to be accommodated in order to preserve the large palm tree. Staff notes that the site contains a large rear yard and is not less than what is typical for properties within the R-0 Zoning District. If the application is approved, staff

recommends that the new shed be relocated so that 25% encroachment within 20 feet of the rear yard property line is met. This would enable a 17' 6" setback from the rear property line (Condition of Approval 1D).

Expected Impact on the Surroundings: The site is bordered by a non-residential use along the affected areas of the site. The encroachment of the setback requirements should not create a negative impact to the adjacent property. The commercial site is required to provide a 10-foot buffer between any new structures and the property line on its site. The visual impact of the structure is considered minimal. Visibility of the new shed would be limited to views along Carroll Street from the south end of the site towards the northwest. An existing six foot fence partially obstructs the view of the new structure. No other impacts are expected as a result of the new structure. The applicant has submitted a project description and justifications for the Variance (Attachment D).

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 9 notices mailed to adjacent property owners and residents of the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Staff has not received any written comments from the public regarding this proposal.

Findings and General Plan Goals:

Staff was able to make the Findings (Attachment A) for the Use Permit and Variance for the side yard setbacks. Staff recommends denial of the rear yard setback and encroachment Variances.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit and Variance for side yard setbacks with the attached conditions and deny the 25% encroachment and rear yard setback Variance.
2. Approve the Use Permit and Variance for side yard setbacks with the modified conditions and deny the 25% encroachment and rear yard setback Variance.
3. Deny the Use Permit and Variance.

Recommendation

Recommend Alternative 1.

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Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Project Description and Justifications from the Applicant
- E. Site Photos

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element - Action Statement N1.1.1

Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is a compatible to the residential use of the site. The additional accessory structure enables the resident additional storage space that is not available within the home or accessory garage building.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the structure is appropriately designed and located within the rear yard. The new building should not negatively impact adjacent properties.

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. The neighborhood is made up of properties of varying size. The subject site is located on a lot sub-standard with respect to lot width and is less than other nearby residential properties. Although there are some lots with the same sub-standard lot width within the neighborhood, the subject site is unique to its neighbors in that it is located adjacent to a commercial site. Furthermore, the location of a significant sized palm tree further hinders the ability of the shed to meet the setback requirements. With respect to the rear yard setback, the site is not unique to other properties in the neighborhood in terms of lot depth. The area contains varying lot lengths, but each property is beyond what is typical for R-0 standards. Alternative locations exist that could accommodate the required encroachment and rear yard setback.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. The proposed setbacks of the new structure would not be considered detrimental to the property or the immediate vicinity. The affected area borders a non-residential site and would not impact the improvement capabilities of the adjacent site. The location of the shed is adequately separated from neighboring sites within the same Zoning District.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. The proposal could be considered as being granted special privileges with respect to similar residential uses along Carroll Street. Each of these properties has large rear yard areas. However; the site located behind the subject property contains a building which is located approximately at the property line. The side yard setback is more unique considering the lot width and existence of a “protected tree” on the site.

Recommended Conditions of Approval - Use Permit & Variance

Staff recommends approval of the Use Permit and side yard setback Variance and denial of the rear yard setbacks and 25% encroachment. If the Administrative Hearing Officer can make the necessary Findings, staff recommends the following Conditions of Approval.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The two-year expiration date of the Use Permit and Variance shall be measured from the date of the approval of the final review authority at a public hearing if the approval is not exercised.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. Obtain a building permit prior to development of the site.
- D. The new shed shall be relocated so that the required 25% encroachment of the rear yard area is not exceeded (17' 6" setback may be permitted).

2. GENERAL CONDITIONS

- A. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.

- B. Roof material shall be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.